

**THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

United States of America)	Docket # 8:07-cr-00536-WMC
Plaintiff)	
)	
Vs)	
)	Second Motion for Return of Property
515 Concord Ave)	(Rule 41g)
Robert Clarkson)	
Defendant)	

Again, Defendant Robert Clarkson moves this Court, pursuant to Rule 41g, FRCrimP, to order the FBI and US Attorney to return his possessions and property based upon the following grounds:

1. On May 3 2007, a team of FBI agents seized the property of Robert Clarkson in Anderson, SC pursuant to search warrant by US Magistrate Catoe on behalf of the FBI in Asheville, NC. This court ordered on August 10 that the FBI return to Clarkson the seized property not relevant to a criminal investigation. On September 4, Clarkson picked up most of his property but not all. Defendant moves this court to order the return of his personal properties, his political materials, those properties not needed by the FBI for a lawful legal investigation and not already returned.
2. The FBI violated this court's clear and distinct order. None of the items kept by the federal cops are relevant to any criminal investigation. The FBI stated all along that Clarkson is not involved with the other Patriot Group in Asheville who was issuing banking instruments.
3. Clarkson's filed his first Motion to Return on June 18, whereby he stated his case very clearly. The DOJ can not claim that they did not understand his position. Also the court order was not only short but unmistakably clear.
4. The Agents retained Clarkson's cash money. According to FBI rules, the cash money after testing was deposited in an FBI bank account. The cash is back now in circulation. Now, how can the most

prestigious law enforcement agency in the world somehow claim that their bookkeeping entry is evidence of a crime?

The cash money, my VA check, my law school diploma and almost everything retained can not be at any stretch of the imagination related to a criminal case. We are glad that the FBI agents have lots of self confidence and pride in their agency. However, they have openly disobeyed an order of the court and insulted our independent judiciary.

5. The G-men kept my law school diploma. When I left the Army hospital in 1971, the Doctors told me that I had brain damage and that I would never be able to do anything. The law school diploma represents to me that this disability was not debilitating, that I graduated from a prestigious law school and had a chance to live a normal life. Keeping my diploma upset me so much that I had to seek treatment from a physiologist.

6. On August 9, 2007 assistant USA Jill Rose in Asheville, NC filed the government's response which was based on non issues and legal conclusions not involved with this case. She also pointed out that the FBI needed to help out the Honorable Henry M. Herlong, USDJ-SC. Apparently the DOJ in NC feel that Judge Herlong is incompetent. However, no one else has seen the signs of that.

7. Defendant does not challenge the said search warrant on legal grounds, but raised issues on the facts. The retained items listed below, can not under any circumstances be relevant to an investigation or at least not those within the FBI bailiwick. For example the Feds took 900 sheets of blank stationary and inventory of his book store.

8. Clarkson's main thrust was that the FBI had entered the political arena but sought to retain the awe and respect of a law enforcement agency. Not only is FBI prohibited by law from interfering with the political operations of a political group in a free society, but they are definitely incompetent in this area. No IRS agent would be dumb enough to come into Clarkson's house and take blank stationary, political literature and various rabble rousing tools.

The government's able and competent attorney somehow missed Clarkson's large and clear argument on **Dismantlement**. Not a word was said on this in her opposition. Since the government did not deny a very serious accusation, this court must presume that dismantlement exists, the AUSA knows about it and Clarkson is a victim of a political harassment scheme.

9. Now, in effect the government has admitted a **Dismantlement** operation against the Patriot Network. The solution to this problem is exposure. Make the FBI produce their documents on dismantlement against the Patriot Network and, after briefs, the federal Judge's can decide the limits of any federal super cops.

FBI must be aggressive, overbroad and a little ruthless to accomplish their job. However, somebody outside the agency must set the limits. Shortly after James Watt invented the steam engine, trains were approaching modern speeds. However, the brakes could not stop a loaded train. Modern railroading began when Westinghouse invented the air brakes.

10. Dismantlement or any extra-judicial attacks against a political organization by law enforcement agency is more than reprehensible -it's an attack on the very foundation of a free country. Our Constitution or governed document absolutely prohibits this type of government activity, particularly in the First Fourth, Fifth, Ninth and Tenth Amendments. The Ninth Amendment is "our right to be left alone Amendment".

11. Reform and updating is essential in our rapidly changing society, economy and technology. The genius of American is that reform bubbles up from below. Massive bureaucracies are notorious for resisting any change or reform. This is the nature of things that we all know.

Even though Clarkson has unpopular view and political activities, in the final analysis the Patriot Network is a tax reform group. Like religious organization, political organizations cover a wide range and have divergent missions to accomplish their purpose. Clarkson's fighting the IRS every tooth and nail is not a business, is not even a tax operation, but is clearly a political organization with political goals in the

political arena. The District court in Greenville has shown that it is competent in stopping Clarkson's political actions that are believed to be harmful.

The Sunlight Rule: Supreme Court Justice Louis Brandeis famously said "Sunlight is the best disinfectant." Indeed some of the most malignant growth of our government has been nurtured under a cover of darkness.

12. The boundaries of the dismantling and harassment program are in the realm of the independent judiciary. After full disclosure with proper protections, this court would aid law enforcement by setting the brakes.

13. All of the material seized by the FBI fits within the Magistrate's order for return to defendant because the entire operation against Clarkson was illegal. Additionally, most of the non returned items were the nature that they could not be relevant to a legal operation. The failure to return the cash money, checks and other items of value burden a penniless network of troublemakers.

14. The items not returned include:

- A. Cash money in the amount of \$1000 to \$3000 depending on whose inventory you use.
- B. Checks including the VA check which is issued by a government agency and the amount for 100% disability is well-known.
- C. Law school diploma and other certificates.
- D. Coin collection (penny & nickel) of my brother and I
- E. Approximately 300 generic silver rounds and at least 1 gold coin.
- F. My collection of defaulted paper currencies and repudiated government bonds
- G. Cartoons and other exhibits for my silver & gold class
- H. Blue index cards with contact information of the Patriots for whom I file pleadings in courts.
- I. White index cards of my old contacts.
- J. Contact information of family, friends and news media. These were in an index box clearly labeled as such.
- K. Exhibits that I need in the promoter law suit against me in Greenville.
- L. Personal items of my wife, family and their friends including credit cards and legal papers.
- M. Political literature, handouts, flyers.
- N. Memory disk for my wife's digital camera, computer discs, DVD's, etc
- O. Church records
- P. Personal possessions including pictures of me and others.
- Q. Movies, CD, DVD's audio tapes, miscellaneous
- R. Newspaper articles, letters to me, miscellaneous documents, reference material
- S. Numerous other items and materials. (See attached letters)

15. My list of active law suits and contact information for the taxpayers should be copied and returned to me, if not returned to me outright. I have not been convicted of any crime dealing with any of these

documents and I need them for the operation of a political operation. I can come to the FBI office and copy the needed materials.

16. The IRS should return to me the hard drive and operating system of the three computers. They vandalize my computers by destroying the hard-dive and operating system for no good reason at all. Agent Andy gave a free laptop to defendant for damaging his family's computer towers, but then he took the laptop back. See attached letters.

17. The Federal agents also vandalized my law school diploma, etc. by returning to me the frame with the matting and glass removed, presuming destroyed. Where does the FBI have authority to vandalize and destroy personal property? The IRS has learned not to do that.

18. Attached are letters from Clarkson to Agent Andy which explain in more detail the facts and issues in this case. The letters are dated September 10, 11, 13, 16 and 27th.

19. The DOJ sought a search warrant with a sealed affidavit. Since the search warrant was illegal in its entity and the affidavit was basically untrue, it should be released.

20. As noted in letter dated September 13, Clarkson is entitled to pictures of the backs of the FBI agents when they carried the boxes back to him to print in his newsletter and post on his website. His people took pictures of the agents returning his material in decorated evidence boxes.

However, an agent grabbed the cell phone and deleted all the pictures. If the Hoover's boys can print pictures in the newspaper of the agents carrying his property from his house, then Clarkson has a right to have pictures of them returning it. The seizure of the cell phone and ruining of the pictures was illegal and should be declared illegal by this court.

21. When the FBI enters the political area they must be made aware that this human endeavor is worst than the courts and the Bill of Rights to efficient law enforcement. Politics especially Clarkson's brand, is a tough business and the FBI is not that tough. The mighty, mighty IRS has learned that the pro se litigants can be effective in protecting their rights.

From the first telephone call from Agent Andy on about August 20 or thereabouts, Clarkson clearly informed the law enforcement officers that he would take pictures of their backs but not publish the faces of agents except for those already identified in the news media. Everybody agreed that Agent Andy was fair game.

The FBI should be ordered to return to Clarkson's house for photo opportunities –or, the FBI should stay away from the political arena. Attached is a copy of the newspaper article about the return of property.

Newspaper article about the initial seizure can be found at www.patriotnetwork.info . Click on COINTELPRO. Go to Part II with password 4143.

HOW COINTELPRO HARMS THE FBI.

22. COINTELPRO was more than a giant waste of money, more than a diversion of limited law enforcement resources from crime fighting, because it hurt the FBI where it really hurts. The exposure of COINTELPRO resulted in gross embarrassment to the most prestigious law enforcement agency in the world, caused loss of public respect and spawned Watergate. As Hoover knew very well, the public image of the G-men, public opinion and awe were their most effective crime fighting tool.

Sooner or later, dismantlement is going to be brought to the public's attention and the federalies will suffer public embarrassment, assaults from the media and the politicians. As before, FBI agent will be tried and convicted and civil lawsuits will put millions of dollars in the hands of extremists' political groups. More on this on the PN website on left under COINTELPRO.

23. When COINTELPRO was investigated by Congress, the facts reveal that a number of federal judge's knew about this outrage and looked the other way.

Two results from this:

- A. The illegal activities continued and expanding until the stench reached the news media.
- B. The federal judiciary lost prestige.

24. We can have effective and cheap administration because the people respect institutions of government. The alternative is the people fearing their government because of massive police force. The police state just costs too much and does not work.

The most efficient and effective law enforcement policy is for the FBI to run at full steam ahead, with the brakes of the judiciary on duty, and the aggrieved citizen has a fair tribunal.

25. In conclusion Clarkson requests that this Court order the return of the remaining items or a list of the retained items with some type of explanation for each one. Further Clarkson requests that if this court deems proper, an order to the FBI not to interfere with reasonable picture taking-especially if this would cause the agency embarrassment. Clarkson would also like to see a copy of the secret affidavit.

Certificate of Service: I hereby certify that on this date I sent properly a copy to opposing counsel.

October 6, 2007

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